

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA-NUMBER: CO-100-2006-044 EA

PERMIT/LEASE NUMBER: COC69624

PROJECT NAME: Carolyn Eaton Access Road

LEGAL DESCRIPTION: T. 9N., R. 92W., section 36, SW¹/₄NE¹/₄NW¹/₄, SE¹/₄NW¹/₄NW¹/₄, NE¹/₄SW¹/₄NW¹/₄, SW¹/₄SW¹/₄NW¹/₄, 6th PM, Moffat County, Colorado

APPLICANT: Carolyn Eaton

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

Name of Plans: Little Snake Resource Management Plan and Record of Decision

Date(s) Approved: April 26, 1989

Remarks: The proposed access road is located within Management Unit 2, Northern Central, (Little Snake Resource Management Plan). The objectives for this management unit are to provide for the development of the oil & gas resource. Realty actions, such as rights-of-way, leases, and permits can occur, consistent with the management objectives of the unit. The access road will be consistent with the objectives of Management Unit 2.

Results: The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

NEED FOR PROPOSED ACTION: The purpose of the proposed right-of-way on the access road is to allow continued use of the existing road to access private property. Since a segment of the road traverses public land, a right-of-way authorization is required.

PUBLIC SCOPING PROCESS: The NEPA log is posted on the Little Snake Field Office web site before the grant is issued to the applicant.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES: The proposed action is to issue a right-of-way grant for construction, operation, maintenance and termination of an existing access road located on public land in SW¹/₄NE¹/₄NW¹/₄, SE¹/₄NW¹/₄NW¹/₄, NE¹/₄SW¹/₄NW¹/₄, SW¹/₄SW¹/₄NW¹/₄, section 36, T. 9N., R. 92W., 6th P.M., Moffat County,

Colorado. Carolyn Eaton filed a right-of-way application requesting authorization across public land on a segment of an existing access road. Access is needed to the private property for agricultural purposes and construction of wildlife water projects. Mitigation not incorporated in a Plan of Development would be attached by BLM as stipulations to the ROW grants.

The existing road departs Moffat County Road 5 across public land in NW¼, section 36, T.9N., R.92W., and intersects with private property in E½, section 35. The road crosses public land for approximately 2,610' and is used to access the Applicant's land to the West. The width of the road is approximately 20'. The proposed R/W will consist of approximately 1.20 acre disturbance on public lands.

The road will be used year-round and traffic is limited to usual and customary agricultural activities. No new construction is needed. The applicant will provide routine maintenance. Drainage dips will be constructed to control water runoff. Ruts will be filled in with rock and sand. The applicant will control weeds on the right-of-way. There is no plan for reclamation of the existing road.

NO ACTION ALTERNATIVE: The no action alternative is that the road would not be authorized and there would be a potential trespass situation on public lands.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES
CRITICAL RESOURCES

AIR QUALITY

Affected Environment: Air quality will not be affected by either alternative.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen 3/28/06

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable

Name of specialist and date: Jim McBrayer – 4/12/06

CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Professional Archaeologists.

Environmental Consequences: The proposed project, Carolyn Eaton access road, has

undergone a Class III cultural resource survey:

Hauck, F. Richard, Ph.D.

1990 Cultural Resource Evaluation of a Proposed Access Route Corridor for the North Fork Unit No. 7-1 in the Craig Locality of Moffat County, Colorado. AERC Project 1232 (REP-90-1); BLM 38.90. Archaeological-Environmental Research Corporation, Bountiful, Utah.

The survey identified no eligible to the National Register of Historic Places prehistoric cultural resources. The proposed project may proceed as described in this EA with the following mitigative measures in place.

Mitigative Measures: The following standard stipulations apply for this project:

The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

Name of specialist and date: Henry S. Keesling 13 February 2006

ENVIRONMENTAL JUSTICE

Affected Environment: The project would not directly affect the social, cultural, or economic well being and health of Native American, minority or low-income populations. The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts from the project.

Environmental Consequences: None.

Mitigative Measures: None.

Name of Specialist and Date: Louise McMinn, Realty Specialist 02/09/2006.

FLOOD PLAINS

Affected Environment: The access road follows a ridge. No floodplains are present along the road.

Environmental Consequences: None
Mitigative Measures: None
Name of specialist and date: Ole Olsen 3/28/06

INVASIVE, NONNATIVE SPECIES

Affected Environment: Houndstongue, cheatgrass and yellow allysum are known to occur in this region. Whitetop, black henbane, Canada thistle, and other biennial thistles are known to occur in this area as well. There is the potential for noxious weeds, such as dalmatian toadflax, knapweeds, and others, to exist and spread in these areas.

Environmental Consequences: : Vehicular travel across public lands, as well as wind, water, and wildlife and livestock movement can cause invasive species to spread into new areas. Required mitigation and the utilization of interim reclamation techniques would facilitate control of invasive species and reduce the potential of long term infestation of annual and noxious weed species. All principles of Integrated Pest Management should be employed to control noxious weeds on public lands.

Mitigative Measures: None
Name of specialist and date: Curtis Bryan 3/30/06

MIGRATORY BIRDS

Affected Environment: There are no raptor nests located within a half mile radius of the proposed ROW. The project area provides nesting and foraging habitat for a variety of migratory birds. Two sagebrush obligate species listed on USFWS's Bird of Conservation Concern List, the sage sparrow and the Brewers sparrow likely nest in the area.

Environmental Consequences: Granting a ROW on the existing road would not impact migratory birds. The proposed action has little to no potential to result in 'take' of any migratory birds.

Mitigative Measures: None
Name of specialist and date: Desa Ausmus 3/7/06

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council, and the Colorado Commission of Indian Affairs on January 21, 1999. The letter listed the projects that the BLM would notify them on and projects that would not require notification. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Henry S. Keesling 13 February 2006

PRIME & UNIQUE FARMLANDS

Affected Environment: No prime or unique farmlands are present.

Environmental Consequences: None
Mitigative Measures: None
Name of specialist and date: Ole Olsen 3/28/06

T&E SPECIES - SENSITIVE PLANTS

Affected Environment: There are no BLM sensitive plant species within or in the vicinity of the

Proposed Action.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 2/23/06

T&E SPECIES – ANIMALS

Affected Environment: There are no threatened or endangered wildlife species or habitat for such species in or near the proposed ROW. The project area provides general habitat for two BLM sensitive species, Columbian sharp-tailed grouse and greater sage grouse. The project area does not provide any critical habitat, such as nesting or breeding for either grouse species.

Environmental Consequences: No Federally ESA listed animal species would be affected by the proposed action. Granting the ROW along the existing road would not significantly impact either grouse species. The road has been in place for many years and is not resulting in negative impacts. Granting the ROW may increase daily traffic on the road, however, it is unlikely that the traffic volume would be high enough to displace grouse from the area.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus 3/7/06

T&E SPECIES – PLANTS

Affected Environment: There are no federally listed threatened or endangered plant species within or in the vicinity of the Proposed Action.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 2/23/06

WASTES, HAZARDOUS OR SOLID

Affected Environment: If the release does occur, the environment affected would be dependent on the nature and volume of material released. If there are no releases, there will be no environmental impact.

Environmental Consequences: Consequences will be dependent on the volume and nature of the material released. In most every situation involving hazardous materials, there are ways to remediate the area that has been contaminated. Short-term consequences will occur, but they can be remedied, and long-term impacts will be minimal.

Mitigative Measures: None

Name of specialist and date: D. Johnson 2/13/06

WATER QUALITY - GROUND

Affected Environment: Groundwater will not be impacted by use or maintenance of the existing BLM road.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Fred Conrath 03/08/06

WATER QUALITY - SURFACE

Affected Environment: The existing two-track road is located on uplands for the entire length of proposed easement. Presently runoff drainage on a substantial portion of the road on the south

facing slopes is channeled along the road within slight to moderate ruts. Runoff will ultimately drain to headwater tributaries of the North Fork Big Gulch, an ephemeral tributary to Big Gulch.

Big Gulch is an intermittent tributary to Lay Creek, which is an intermittent to perennial tributary of the Yampa River. The Yampa River below the confluence with Lay Creek was listed in the 1989 Nonpoint Assessment Report as having elevated sediment and nutrients. Because of the nonpoint source listing this Yampa River segment was listed as having impaired water quality on the 1996 303d list. Since 1998 this segment of the Yampa River has been on the Monitoring and Evaluation list. Presently this segment of the Yampa River and its tributaries are supporting the classified beneficial uses.

Environmental Consequences: The slight improvements to the two-track road that are proposed will improve the drainage of water from the road. Placing rock in rutted areas and establishing drainage dips would be expected to reduce any contribution of sediment that the road presently provides to surface water flow that would reach the affected Yampa River segment.

Mitigative Measures: None

Name of specialist and date: Ole Olsen 4/6/06

WETLANDS/RIPARIAN ZONES

Affected Environment: No riparian systems are present.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen 3/28/06

WILD & SCENIC RIVERS

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable

Name of specialist and date: Jim McBrayer – 4/12/06

WILDERNESS, WSAs

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable

Name of specialist and date: Jim McBrayer – 4/12/06

NON-CRITICAL ELEMENTS

SOILS

Affected Environment: An existing two-track road is present and follows broad ridges with variable grades on primarily southern aspects to a topographically lower tract of private land. Minor to moderate rutting or depressions are present in the two-track positions which collect and channel surface water flows; moderate rutting is occurring where the grade is steeper. The northeastern or the upper portion of the road traverses soils mapped as Styers-Ironsprings-Maysprings complex, 10 to 20 percent slopes and the southwestern or the lower portion of the road is on soils mapped as Berlake-Taffom-Gretdivid complex, 10 to 20 percent slopes. No Styers soils which have clay textures and are derived from shale were observed along the existing two-track road. The parent materials for the remaining 5 soil types are primarily

colluvium and residuum derived from sandstone. Surface soil textures on these soils are coarse sandy loam to loamy coarse sand and the subsoil soil textures are sandy loam to sandy clay loam.

The runoff class for these soils is classified as medium and the permeability is moderate, except for the Ironsprings soil which is low and has moderately rapid permeability. However, these properties will be modified on those areas of the soil that are compacted by vehicles (the two-tracks of the roadway); higher runoff rates and slower permeability would be expected. The limitation for utilizing these native soil materials for local roads is slope.

Environmental Consequences: The proposed Plan of Development (POD) for improving this two-track road for purposes of having an authorized easement to private property provides for some drainage of the road area and some spot surfacing in the two tracks of the road. The POD specifies that 2 drainage dips will be installed in the road along the southern aspect. However, the length of this road segment is nearly 2000 feet with two steeper segments of about 10% grade. Some additional drainage dips and selected placement of these improvements needs to be worked out to divert surface water from the depressed tracks in the road.

Mitigative Measures: Additional improvements for runoff drainage, specifically installing more water dips along with the placement of the 3 proposed water dips, will be evaluated by the Authorized Officers representative with the Right of Way holder, based on spacing specifications provided in the Gold Book and site specific conditions along the road.

Name of specialist and date: Ole Olsen 4/5/06

VEGETATION

Affected Environment: The proposed action is located in a sagebrush-grass community.

Environmental Consequences: Since there would be no new surface disturbance, there would be no impacts to the existing plant community as a result of the Proposed Action. The road is not resulting in any negative impacts to the existing herbaceous community.

Mitigative Measures: None

Name of specialist and date: Curtis Bryan 3/30/06

VISUAL RESOURCES

Affected Environment: Visual Resource Management (VRM) classifications for the proposed project area include: Class IV (major modification of landscape change allowed)

Environmental Consequences: The proposed action will not impact existing VRM classifications.

Mitigative Measures: None

Name of specialist and date: Jim McBrayer - 4/12/06

WILDLIFE, AQUATIC

Affected Environment: No habitat for aquatic wildlife exists along the ROW corridor.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Desa Ausmus 3/7/06

WILDLIFE, TERRESTRIAL

Affected Environment: The project area provides habitat for big game species as well as small

mammals, reptiles and birds. The area is mapped as severe winter range for elk.

Environmental Consequences: Since there would be no new surface disturbance, there would be no impacts to terrestrial wildlife habitat. Granting the ROW along the existing road would not significantly impact terrestrial wildlife species. The road has been in place for many years and is not resulting in negative impacts to wildlife. Although granting the ROW may increase daily traffic on the road, it is unlikely that the traffic volume would be high enough to displace wildlife from the area.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus 3/7/06

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

PALEONTOLOGY

Affected Environment: The geologic formation at the surface is the Tertiary age Main Body of the Wasatch Formation (Twm, Tw), a soft light-gray, red, green, white, yellow and purple claystone, shale, sandstone, siltstone, and conglomeratic sandstone, of fluvial and lacustrine origin and intertongues with the Green River Formation. This formation has been classified as a Class Ia formation for the potential occurrence of scientifically significant fossils.

Environmental Consequences: Scientifically significant fossils are found abundantly within this formation (Armstrong & Wolney, 1989). The potential for discovery of significant fossils on this location is considered to be high. If any such fossils are located here, construction activities could damage the fossils and the information that could have been gained from them would be lost. The significance of this impact would depend upon the significance of the fossil. The proposed action could also constitute a beneficial impact to paleontological resources by increasing the chances for discovery of scientifically significant fossils.

_____ The terrain is such that outcrops are exposed (eg. Badlands), therefore, a surface survey for paleontological resources will be required prior to surface disturbance.

_____ The majority of the terrain is covered with developed soils and vegetation.
Therefore, a surface survey for paleontological resources will not be required.

 X The proposed action constitutes limited surface disturbance so as to make discovery of fossils by surface survey unlikely.

Mitigative Measures: ceasing operations and notifying the Field Office Manager immediately upon discovery of a fossil during construction activities can effectively mitigate this impact. An assessment of the significance is made and a plan to retrieve the fossil or the information from the fossil is developed.

The majority of the terrain is covered with developed recent soils and vegetation.
Therefore, a surface survey for paleontological resources will not be required.

Standard Discovery Stipulation

"If cultural or paleontological resources are discovered during exploration operations under this license, the licensee shall immediately notify the Field Office Manager and shall not disturb such discovered resources until the Field Office Manager issues specific instructions.

- a. Within 5 working days after notification, the Field Office Manager shall evaluate any cultural resources discovered and shall determine whether any action may be required to protect or to preserve such discoveries.
- b. The cost of data recovery for cultural resources discovered during exploration operations shall be borne by the licensee, if the licensee is ordered to take any protective measures. Ownership of cultural resources discovered shall be determined in accordance with applicable law."

Discovery Stipulation, Realty

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

References

Armstrong, Harley J. and Wolney, David G., 1989, Paleontological Resources of Northwest Colorado: A Regional Analysis, Museum of Western Colorado, Grand Junction, CO, prepared for Bur. Land Management, Vol. I of V.

Miller, A.E., 1977, Geology of Moffat County, Colorado, Colo. Geol. Surv. Map Series 3, 1:126,720.

Name of specialist and date: Robert Ernst 13 February 2006

SURFACE WATER

Affected Environment: The existing access road is slightly rutted overall, but has deeper ruts on two steep south facing aspects and in an area where water collects on the road.

Environmental Consequences: Excessive soil erosion from the road two-tracks could still occur with the proposed Plan of Development. Recommend additional drainage as discussed in the Soils Section.

Mitigative Measures: Same as for Soils

Name of specialist and date: Ole Olsen 4/5/06

TRANSPORTATION

Affected Environment: The existing road proposed for the ROW is a low standard, two track road that is not part of the BLM transportation system. The gradients on this road do not exceed 12% to 14% for any appreciable length. Current use and erosion levels are low, with most use occurring during the fall big game hunting season.

Environmental Consequences: Use and maintenance of this road as proposed would be appropriate for the existing road standard. Minor maintenance as proposed would benefit the uses of the road and resources. Use of this road by concrete trucks and heavy trucks hauling materials would create safety and resource concerns, and the low standard and gradient pitches are incompatible with these types of vehicles on this type of road.

Mitigative Measures: The ROW authorization should be clear that this road in its current and proposed standard is not suitable for heavy truck traffic that would be needed for construction of a residence on the private land this road accesses.

Name of specialist and date: Rob Schmitzer 04/06/2006

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals		FC 03/08/06	
Forest Management	DJ 3/7/06		
Hydrology/Ground		FC 03/08/06	
Hydrology/Surface			See above section
Paleontology			See above section
Range Management		CJB 3/30/06	
Realty Authorizations		LM 02/09/06	
Recreation/Travel Mgmt			See above section
Socio-Economics		LM 02/09/06	
Solid Minerals		RE 02/13/06	
Visual Resources			See above section
Wild Horse & Burro Mgmt	VD 3/28/06		

CUMULATIVE IMPACTS SUMMARY: Cumulative impacts may result from the routine maintenance of the access road when added to non-project impacts that result from past, present, and reasonably foreseeable future actions. Other past or existing actions near the project area that have influence on the landscape are wildfire, recreation, hunting, grazing, and ranching activities.

Surface disturbance associated with the project has the potential for an increase of erosion and sedimentation. Only a small reduction in forage would be anticipated. Some wildlife species may be temporarily displaced by construction, but should return upon completion of the project.

Contrasts in line, form, color, and texture from the project would impact the visual qualities on the landscape.

STANDARDS

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: PLANT AND ANIMAL COMMUNITY (plant) STANDARD: The issuance of a right-of-way on the existing road would not create any new impacts affecting the plant community. Currently, the surrounding plant community meets this standard and the Proposed Action would continue to meet this standard.

Name of specialist and date: Curtis Bryan 3/30/06

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD: The issuance of a right-of-way on the existing road would not create any new impacts affecting special status animal species. Currently, the surrounding habitat meets this standard and the Proposed Action would continue to meet this standard.

Name of specialist and date: Desa Ausmus 3/7/06

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: The issuance of a right-of-way on the existing road would not create any new impacts affecting terrestrial or aquatic wildlife species. Currently, the surrounding habitat meets this standard and the Proposed Action would continue to meet this standard.

Name of specialist and date: Desa Ausmus 3/7/06

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:

There are no federally listed threatened or endangered or BLM sensitive plant species within or in the vicinity of the Proposed Action. This standard does not apply.

Name of specialist and date: Hunter Seim 2/23/06

RIPARIAN SYSTEMS STANDARD: No riparian system is present along the existing two-track road. This standard does not apply.

Name of specialist and date: Ole Olsen 3/28/06

WATER QUALITY STANDARD: The Proposed Action and the No Action Alternatives will meet the water quality standard for healthy rangelands. The Proposed Action Alternative will provide for some improved runoff water drainage control on the road and it will require maintenance of the road and the improvements installed. This segment of the Yampa River and its tributary stream segments, including Lay Creek are presently supporting beneficial uses.

None of these stream segments are presently listed as having impaired water quality.

Name of specialist and date: Ole Olsen 4/6/06

UPLAND SOILS STANDARD: That portion of the right-of-way that will be used as a road (two-track trails) is not expected to, nor will it meet the upland soil standard. Soils will be compacted and infiltration rates will be greatly reduced. Vegetative cover is not present within the two-track trails of the road way. However, the upland soil resource and vegetation that exists and is present between the two-track trails and on either side of the road does meet the upland soil standard and helps to maintain stability of the roadway.

Name of specialist and date: Ole Olsen 4/6/06

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

FONSI

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. With the implementation of the attached mitigation measures there is a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Field Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

DECISION AND RATIONALE: I have determined that authorization of the access road is in conformance with the approved land use plan. It is my decision to issue the right-of-way grant with mitigation measures to Carolyn Eaton. The grant is for construction, operation, maintenance and termination of an existing access road located on public land in section 36, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, T. 9N., R.92W., 6th P.M., Moffat County, Colorado. The access road R/W is 2,610 feet long and 20 feet wide. The ROW grant is issued for 20 years with the right of renewal. The access road ROW is subject to rental pursuant to 43 CFR 2806. The project will be monitored as stated in the Compliance Plan outlined below.

It is the policy of the Bureau of Land Management to grant ROW to occupy and use public land where such is consistent with resource values; the Bureau's planning system and local government concerns. To this effect, no conflicts were found; the action does not result in any undue or unnecessary environmental degradation. The action is consistent with the Little Snake Resource Management Plan. The proposed use, as planned and mitigated, is a suitable use of the land, which will not conflict, with the present or known future use of the area. The action is consistent with Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and the regulations authorizing use of federal land under 43 CFR 2800.

MITIGATION MEASURES: See Exhibit B, Stipulations.

COMPLIANCE PLAN(S):

Compliance Schedule: The access road will be on a five-year compliance schedule after issuance of the grant.

Monitoring Plan: The access road will be monitored during the term of the right-of-way for compliance with the grants, stipulations, PODs and pertinent regulations until final reclamation is approved or the ROW is relinquished; monitoring will help determine the effectiveness of mitigation and document the need for additional mitigative measures.

Assignment of Responsibility: Responsibility for implementation of the compliance schedules and monitoring plans will be assigned to the Realty staff in the Little Snake Field Office. The primary inspector will be the Realty Specialist.

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

ATTACHMENTS: Exhibit A, Map
Exhibit B, Stipulations

EXHIBIT B

Stipulations

COC69624

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within the right-of-way in strict conformity with the plan(s) of development identified with the application. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
3. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) (970) 826-5087. Within five working days the AO will inform the operator as to:
 - whether the materials appear eligible for the National Register of Historic Places;
 - the mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again and,
4. Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or

until notified to proceed by the authorized officer.

5. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) With regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) In excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. The segment of road on public land shall remain open for public use. No gates or signs on public land will be allowed.
7. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation, and surfacing).
8. Drainage for runoff water will be provided to divert runoff water away from the road. Runoff water that concentrates and forms channels on the road will be diverted and/or dispersed to prevent erosion. Any drainage dips designed to provide runoff drainage will be constructed on a minimal grade and will release water onto undisturbed ground without causing accelerated erosion. The Right-of-Way holder will take additional measures if erosion is occurring within the runoff water drainage system.
9. Additional improvements for runoff drainage, specifically installing more drainage dips along with the placement of the 3 proposed drainage dips, will be evaluated by the Authorized Officers representative with the Right-of -Way holder, based on spacing specifications provided in the Gold Book and site specific conditions along the road. The Little Snake Field Office will be given 72-hour notification prior to commencing construction work. Contact the Little Snake Field Office (970) 826-5000 to report work which will commence.
10. Prior to construction of a residence, the access road will be crowned, ditched, graveled, and maintained to provide a 14 to 16 foot travel way and a stable ground surface in all seasons based on specifications provided in the Gold Book.
11. If snow removal from the road is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade one inch off the road surface. Holder shall

take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation.

12. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
13. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
14. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The authorized officer prior to such use shall approve emergency use of pesticides in writing.
15. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the grant.

RECLAMATION:

The lessee/permittee is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: regrading the approximate original contour, effectively controlling noxious weed, separating, storing and protecting topsoil for redistribution during final abandonment, seeding, and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored, and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices, which ensure stability, will be used as necessary during the project, and practices needed to achieve final abandonment will commence immediately upon completion of the approved activity use and be completed, with exception of vegetative establishment, within one year. If use of the area is for longer periods of time

(greater than one year), interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permanent facility (s) and be completed, with exception of vegetative establishment, within one year. For both short and long term projects, vegetative establishment will be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. If it becomes evident prior to the conclusion of the second growing season that establishment will not be achieved, cultural practices will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation will be provided to the Little Snake Field Office. The first report will be due in January following initiation of reclamation practices and annually thereafter until final reclamation is approved.

There are numerous reclamation practices and techniques, which increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the permittee's prerogative to use the methods of reclamation necessary to accomplish the objective. However, it is recommended that the state-of-the-art reclamation, stabilization, and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved.

- "permanent vegetative cover" will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site (s) for the area.

- "diverse" will be accomplished if at least two(2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three(3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.

- "self regenerating" and "adapted to the area" will be evident if the plant community is in good vigor, there is evidence of successful reproduction, and the species are those commonly used and accepted in the area.

"surface stability" will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestal, is no greater than three tenths (0.3)

of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

a. If erosion is greater than two (2) times the allowable amount, correctional action would have to be taken by the responsible company at that time.

b. If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no correctional action would be required at that time. Another check (and measurement) would be performed a year later to determine if the stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase is greater than the allowed standard, corrective action would be required.

-"subsurface stability" (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty-five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs, and Badland areas). When these conditions occur, length of liability for reclamation and final abandonment will continue for ten (10) years following recontouring to original contour for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

The LSFO Manager may waive this stipulation, or portions of it. Such waiver will be documented and justified when not applicable or objectives are accomplished through another method.

DATE SIGNED: 04/07/06